

Exhibit 5B

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE COGNIZANT TECHNOLOGY
SOLUTIONS CORPORATION
SECURITIES LITIGATION

Civil Action No. 16-6509 (ES)(CLW)

**DECLARATION OF MICHAEL B. HIMMEL IN SUPPORT OF
LEAD COUNSEL’S MOTION FOR ATTORNEYS’ FEES AND LITIGATION
EXPENSES, FILED ON BEHALF OF LOWENSTEIN SANDLER LLP**

I, Michael B. Himmel, hereby declare as follows:

1. I am a partner in the law firm Lowenstein Sandler LLP (“Lowenstein”).¹ I submit this declaration in support of Lead Counsel’s motion for an award of attorneys’ fees in connection with services rendered in the Action, as well as for payment of expenses incurred by my firm in connection with the Action. I have personal knowledge of the facts stated in this declaration and, if called upon, could and would testify to these facts.

2. My firm acted as Liaison Counsel for Lead Plaintiffs and the Settlement Class in this Action. In that capacity, we worked with Lead Counsel on the litigation, including preparing for and participating in court conferences, reviewing pleadings, briefs, and communications with the Court, advised Lead Counsel regarding local practice, procedures, and requirements, and serving as the principal contact between Lead Plaintiffs and the Court.

3. The schedule attached hereto as Exhibit 1 is a detailed summary indicating the amount of time spent by each Lowenstein attorney and professional support staff employees who devoted ten (10) or more hours to the Action from its inception through and including October 31,

¹ Capitalized terms that are not defined in this declaration have the same meanings as set forth in the Stipulation and Agreement of Settlement, dated September 2, 2021 (ECF No. 165-3) (the “Stipulation”).

2021 and the lodestar calculation for those individuals based on their current hourly rates. For personnel who are no longer employed by my firm, the lodestar calculation is based upon the hourly rates for such personnel in their final year of employment with my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by Lowenstein.

4. As the partner responsible for supervising my firm's work on this case, I reviewed these time and expense records to prepare this declaration. The purpose of this review was to confirm both the accuracy of the time entries and expenses and the necessity for, and reasonableness of, the time and expenses committed to the litigation. As a result of this review, reductions were made in the exercise of counsel's judgment. In addition, all time expended in preparing this application for fees and expenses has been excluded.

5. Following this review and the adjustments made, I believe that the time reflected in the firm's lodestar calculation and the expenses for which payment is sought as stated in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. These expenses are all of a type that courts have routinely approved in similar class action cases.

6. The hourly rates for the Lowenstein attorneys and professional support staff employees included in Exhibit 1 are their standard rates and are the same as, or comparable to, the rates submitted by my firm and accepted by courts for lodestar cross-checks in other class action fee applications. My firm's rates are set based on periodic analysis of rates used by firms performing comparable work and that have been approved by courts. Different timekeepers within the same employment category (*e.g.*, partners, associates, paralegals, etc.) may have different rates based on a variety of factors, including years of practice, years at the firm, year in the current

position (*e.g.*, years as a partner), relevant experience, relative expertise, and the rates of similarly experienced peers at our firm or other firms.

7. The total number of hours expended on this Action by my firm from the inception of the case through and including October 31, 2021, is 812.1 hours. The total lodestar for my firm for that period is \$ 675,074.50. My firm's lodestar figures are based upon the firm's hourly rates described above, which do not include expense items. Expense items are recorded separately, and these amounts are not duplicated in my firm's hourly rates.

8. As detailed in Exhibit 2, my firm is seeking payment for a total of \$ 5,015.01 in expenses incurred in connection with this Action.

9. The expenses reflected in Exhibit 2 are the expenses actually incurred by my firm or reflect "caps" based on the application of the following criteria:

- (a) Internal Copying: Charged at \$0.10 per page.
- (b) On-Line Research: Charges reflected are for out-of-pocket payments to the vendors for research done in connection with this litigation. On-line research is billed to each case based on actual time usage at a set charge by the vendor. There are no administrative charges included in these figures.

10. The expenses incurred in this Action are reflected in the records of my firm, which are regularly prepared and maintained in the ordinary course of business. These records are prepared from expense vouchers, check records, and other source materials, and are an accurate record of the expenses incurred.

11. With respect to the standing of my firm, attached hereto as Exhibit 3 is a brief biography of my firm and the attorneys involved in this matter.

I declare, under penalty of perjury, that the foregoing facts are true and correct. Executed
on November 8, 2021.

s/ Michael B.Himmel

Michael B. Himmel

EXHIBIT 1

In re Cognizant Technology Solutions Corp. Securities Litigation
Civil Action No. 16-6509 (ES)(CLW)

LOWENSTEIN SANDLER LLP**TIME REPORT**

Inception through and including October 31, 2021

NAME	HOURS	HOURLY RATE	LODESTAR
Partners			
Himmel, Michael B.	230	\$ 1,345.00	\$ 309,350.00
Long, Michael T.G.	233.9	\$ 895.00	\$ 209,340.50
Associates			
Gimigliano, Andrew	53.8	\$ 415.00	\$ 22,327.00
Schwind, Amy	33.0	\$ 410.00	\$ 13,530.00
Suggs, Eric	85.6	\$ 665.00	\$ 56,924.00
Thomas, Patrick	10.5	\$ 390.00	\$ 4,095.00
Paralegals			
Esposito, Elizabeth	152.8	\$ 360.00	\$ 55,008.00
Taboada, Valerie	12.5	\$ 360.00	\$ 4,500.00
TOTALS:	812.1		\$ 675,074.50

EXHIBIT 2

In re Cognizant Technology Solutions Corp. Securities Litigation
Civil Action No. 16-6509 (ES)(CLW)

LOWENSTEIN SANDLER LLP

EXPENSE REPORT

CATEGORY	AMOUNT
Online Legal Research	\$ 2,600.75
Online Factual Research	\$ 737.80
Postage & Express Mail	\$ 296.28
Hand Delivery Charges	\$ 439.00
Internal Copying & Printing	\$ 139.56
Court Reporting & Transcripts	\$ 801.62
TOTAL:	\$ 5,015.01

EXHIBIT 3

In re Cognizant Technology Solutions Corp. Securities Litigation
Civil Action No. 16-6509 (ES)(CLW)

LOWENSTEIN SANDLER LLP

FIRM BIOGRAPHY

LOWENSTEIN SANDLER FIRM RESUME





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LOWENSTEIN SANDLER OVERVIEW

Lowenstein Sandler is a national law firm with over 350 lawyers in New York, Palo Alto, New Jersey, Utah, and Washington, D.C.

We have built a reputation for pursuing every matter with creativity and passion. Our lawyers are guided by four core values:

- An intense devotion to client service
- An entrepreneurial approach to finding solutions
- The ability to anticipate rather than just respond to client needs
- Strong relationships based on mutual trust with our colleagues, our clients and our community

The firm represents leaders in virtually every sector of the global economy, with particular emphasis on investment funds, life sciences, and technology. Recognized for its entrepreneurial spirit and high standard of client service, the firm is committed to the interests of its clients, colleagues, and communities.



LOWENSTEIN SANDLER HONORS & AWARDS

CHAMBERS USA: AMERICA'S LEADING LAWYERS FOR BUSINESS (2016-2021)

- 2021 rankings include 37 lawyers across 11 practice areas; firm's Investment Funds practice and five lawyers also ranked in *Chambers Global*.

CHAMBERS HIGH NET WORTH GUIDE (2016-2021)

- #1 ranking for Trusts & Estates practice: Private Wealth Law

THE BEST LAWYERS IN AMERICA (2008-2021)

- 2021 rankings recognize 49 Lowenstein lawyers

CRAIN'S BEST PLACES TO WORK IN NEW YORK CITY (2018-2021)

- Recognizing employers with a demonstrated commitment to creating a supportive, collegial, and empowering workplace

NJBIZ (2008, 2010, 2012-2021)

- Named one of *NJBIZ*'s Best Places to Work in New Jersey in the large-company category. This is the tenth consecutive year Lowenstein has made the list.

VAULT (2021-2022)

- Named a Best Law Firm to Work For (Technology & Innovation, Pro Bono, Satisfaction, Transparency, Integration of Laterals & Clerks), a Best Law Firm For Diversity (Diversity for Women, Racial & Ethnic Diversity, Diversity for Individuals with Disabilities), a Best Law Firm by Region (Mid-Atlantic), and a Best Summer Associate Program (2022)
- Named a Best Law Firm to Work For (Business Outlook, Firm Culture, Satisfaction, Informal Training, Mentoring & Sponsorship, Quality of Work, Hours, Associate/Partner Relations, Overall Summer Associate Program, Technology & Innovation, Transparency, Compensation, and Diversity for Women) and a Best Law Firm by Region (Mid-Atlantic) (2021)

MANSFIELD RULE 4.0 CERTIFICATION (2021)

- Recognizing Lowenstein's commitment to increasing the representation of historically underrepresented lawyers among law firm leadership

HUMAN RIGHTS CAMPAIGN FOUNDATION: A BEST PLACE TO WORK FOR LGBTQ EQUALITY (2017-2021)

- Perfect (100 percent) score on the Human Rights Campaign Foundation's (HRC) Corporate Equality Index (CEI)

THE DEAL'S POWER RANKINGS LEAGUE TABLE (2019-2021)

- Ranked among the Top Private Equity Law Firms
- Ranked among the Top M&A Law Firms

PIPE'S REPORT'S LEAGUE TABLES (2019-2021)

- Lowenstein ranked second for Placement Agent Legal Counsel, sixth for Investor Legal Counsel, and tenth for Issuer Legal Counsel by number of placements advised. (Q1 2020)
- Lowenstein ranked among the top 10 legal counsel for total placements across all categories: investors, issuers, and placement agents. Ranked fourth for Placement Agent Legal Counsel, sixth for Investor Legal Counsel, and eighth for Issuer Legal Counsel. (2019)

PATEXIA PATENT PROSECUTION INTELLIGENCE REPORT (2019-2021)

- Ranked #11: Best Performing Law Firms in High-Tech (2021)
- Ranked #28: Best Performing Law Firms Overall (2021)
- Ranked #21: Best Performing Law Firms Overall (2020)
- Ranked #9: Best Performing Law Firms in High-Tech (2020)
- Ranked #50: Most Active Law Firms in High-Tech (2020)
- Ranked #6: Best Performing Law Firms Overall (2019)
- Ranked #6: Best Performing Law Firms in High-Tech (2019)
- Recognized: Most Active Law Firms; Most Active Law Firms in High-Tech (2019)

PRO BONO PARTNERSHIP (2021)

- Recipient of the 2020 Pandemic Response Award (bestowed in 2021) for Lowenstein's initiative in developing a program to assist Pro Bono Partnership clients with the SBA Paycheck Protection Program

NATIONAL LEGAL AID & DEFENDER ASSOCIATION (NLADA) (2014, 2020-2021)

- Recipient of the Beacon of Justice Award for the firm's pro bono efforts in addressing systemic racial disparities in 2020 (2021)
- Recipient of the Beacon of Justice Award for the firm's pro bono efforts in support of immigrants fighting unlawful deportation, family separations, and wrongful denial of Special Immigrant Juvenile Status (2020)
- Recipient of Beacon of Justice Award for innovation in pro bono service to America's most marginalized populations (2014)



LITIGATION DEPARTMENT OVERVIEW

Success in litigation is about facts, strategy, and preparation. Our Litigation team quickly zeroes in on critical issues to formulate the approach most likely to ensure a positive outcome. With our proven track record at trial and relentless commitment to exceeding expectations, we inspire confidence in our clients and pose a serious threat to adversaries.

Our Litigation team has been consistently honored for excellence by *Chambers USA*. We are recognized for the successful representation of clients in matters ranging from business and securities litigation to white collar defense. With strength across practice areas, our work and experience span the breadth of litigation matters our clients may face. For instance, institutional investors come to us when they are being pursued by regulators or when they or their portfolio companies have been damaged by others. Household names in the life sciences, financial services, technology, energy, and health care industries trust us with complex class actions, internal investigations, and multidistrict litigation, as well as their most sensitive employment, environmental, and insurance issues.

We have tried and arbitrated scores of cases throughout the United States and internationally, including high-stakes class actions, commercial and intellectual property disputes, and tort claims. Our team includes former federal prosecutors and a certified civil trial attorney who has first-chaired more than 100 jury trials to verdict.

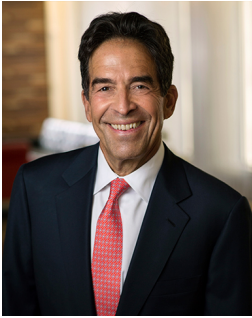
We are a leading firm across disciplines and can turn to colleagues for immediate answers when nuances in legal matters arise. Clients benefit from our strength in transactional, regulatory, and other related practice areas across the firm. Through our public interest arm, the Lowenstein Center for Public Interest, we partner with client companies to match social needs with company strengths. This service allows us to expand our knowledge base and keep on top of company and industry matters, which benefits not only our community but our practice and our clients as well.

While our lawyers have the skill and experience to try cases in any jurisdiction in the country, we understand that protecting our clients often requires avoiding the business interruption and unwanted public exposure caused by extensive litigation. The best measure of our success is the long-term relationships we have built with individuals and companies alike. Our clients return to us again and again when the stakes are highest, knowing that we will work tirelessly on their behalf to achieve favorable results in line with their business goals.



Our litigation services include:

- Antitrust & Trade Regulation
- Appellate
- Business Litigation
- Class Action Litigation
- Corporate Investigations & Integrity
- Employment Counseling & Litigation
- Environmental Law & Litigation
- Insurance Recovery
- Intellectual Property Litigation
- Products Liability & Specialty Torts
- Securities Litigation
- White Collar Criminal Defense



Michael B. Himmel

Partner
Chair, White Collar Criminal Defense

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Few choices are more important to a company or individual than the counsel they select when faced with a government investigation, potential indictment, or trial. Michael's significant experience defending entities and individuals in high-profile, bet-the-company matters makes him a clear choice when so much is at stake. His clients benefit from his years of experience on both sides of the courtroom, as well as his deep-rooted commitment to the successful outcome of each matter he handles.

Michael's national white collar practice includes matters involving the Foreign Corrupt Practices Act, criminal antitrust matters, health care fraud, securities fraud, tax fraud, and political corruption, as well as internal investigations. His clients have included private and public corporations in various industries, including life sciences and the financial sector, officers and directors of private and public corporations, professionals, and state and federal officials.

Chambers USA ranks Michael in Band 1 in White Collar Crime and Criminal Investigations, stating that he "receives extensive praise from commentators, who describe him as 'brilliant, direct, and tenacious,'" while also noting that he "understands legal strategy and is exceptionally able."

Michael's broad experience in white collar criminal matters, including trial, has resulted in his retention in many sophisticated civil litigation matters involving securities and corporate litigation. He frequently represents plaintiffs in securities class actions and has reached settlements for his clients ranging from \$84 million to \$1.3 billion. Michael is the immediate past chair of Lowenstein's litigation practice, leading the department from 2007 to 2017.

Michael served as an Assistant District Attorney in Bronx County, New York, and an Assistant U.S. Attorney for the District of New Jersey, where he led the prosecution and conviction of a New Jersey state senator, a former speaker of the state legislature, and a number of union officials. He currently serves on the Advisory Board for the Association of the Federal Bar of New Jersey and is a member of the Federal Bar Council, Second Circuit.

EXPERIENCE

White Collar & Government Investigations

- > Successfully represented numerous entities accused of FCA and FCPA violations. Secured a two deferred prosecution agreement for a global company that provides engineering and environmental consulting services to various federal, state, regional, and local governmental and quasi-governmental agencies. The case was initially brought as an FCA qui tam matter, which led to an investigation of alleged FCPA violations. The lead enforcement agencies were the U.S. Department of Justice and the U.S. Attorney's Office for the District of New Jersey.
- > Successfully represented numerous individuals in the banking and securities industries who were the targets of investigations conducted by the DOJ and the SEC. Currently representing a client in connection with an SEC investigation concerning the potential mismanagement and/or misappropriation of funds of a multibillion-dollar international hedge fund.
- > Successfully represented audit committees of public companies in connection with internal investigations related to DOJ and SEC inquiries.
- > Successfully represented numerous individuals investigated for alleged insider trading violations.
- > Successfully represented numerous clients in federal antitrust investigations.
- > Successfully represented individuals who were the subjects of alleged tax-fraud violations.
- > Successfully represented individuals in political corruption investigations and prosecutions.
- > Successfully represented many individuals and entities in connection with Bernard L. Madoff-related investigations. Currently representing an agency of an international state in defending against a bankruptcy adversary proceeding arising from the Madoff Investment Securities recovery.

Business Litigation

- > Represented the State of New Jersey as special outside counsel in the State's lawsuit against Volkswagen, Audi, and Porsche for their role in a massive consumer fraud scandal known as "dieselgate." Successfully negotiated a settlement of all claims for a total of \$69 million for New Jersey.

- > Successfully represented a partner in business dispute concerning a large apartment complex; obtained judgment in excess of \$50 million against defendant managing partner for civil racketeering offenses, fraud, breach of fiduciary duty, and breaches of the partnership agreement and partnership law.
- > Successfully represented several Fortune 100 companies in qui tam cases.
- > Successfully represented institutional investors as plaintiffs in the civil prosecution of securities fraud cases.
- > Successfully represented national and regional law firms as defendants in legal malpractice cases.

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business: (2004-2021)**
Ranked in Band 1 for White Collar Crime and Government Investigations
- > **The Best Lawyers in America (1995-2022)**
Recognized in the White Collar Criminal Defense, Business Litigation, Trust & Estates, Regulatory Enforcement, "Bet the Company" Litigation and Securities Litigation sections
- > **New Jersey Super Lawyers (2005-2018, 2021)**
Recognized for work in Criminal Defense: White Collar and Business Litigation
- > **Metro NJ Region of the American Jewish Committee: National Judge Learned Hand Award (2015)**
Recognized for his significant contributions to the legal community
- > **United States District Court: Merit Selection Committee (2014)**
Served on the United States Magistrate Judges Judicial Selection Committee
- > **Trial Attorneys of New Jersey: Trial Bar Award (2003)**
Recognized for Outstanding Trial Advocacy

NEWS & INSIGHTS

Publications

- > September 4, 2019
"Five Considerations in Cross-Border Anti-Corruption Matters," *The Anti-Corruption Report*
Michael B. Himmel,
- > March 6, 2018
"DOJ Extends Self-Disclosure, Leniency Practices of FCPA Enforcement to Other Criminal Matters," *White Collar Criminal Defense Client Alert*
Michael B. Himmel
- > May 4, 2016
"DOJ Announces FCPA Pilot Program," *White Collar Criminal Defense Client Alert*
Michael B. Himmel
- > May 28, 2014
"Should an Individual Defendant Go to Trial on FCPA Charges? Five Important Considerations," *The FCPA Report*
Michael B. Himmel,
- > October 12, 2011
"Getting Out from Under Antitrust Litigation: How it just got harder for foreign entities to stay out of the U.S. antitrust labyrinth," *Bloomberg Law Reports*
Michael B. Himmel, Jamie Gottlieb Furia

In the Media

- > February 22, 2021
Michael B. Himmel, Chair of Lowenstein's **White Collar Criminal Defense** practice, talks to **Law360** about the confirmation hearing of Judge Merrick Garland for the position of U.S. Attorney General. He says, "I think it came across loud and clear that he's going to stay in the Department of Justice lane and not get involved with the executive branch and the president, and he's not going to give in to political pressure. ... I'm sure many senators found that very refreshing."
- > December 10, 2020
In **Law360**, **Michael B. Himmel** comments on proposed updates to anti-money laundering laws that will disclose beneficial ownership of shell corporations and create a national database that tracks entities or individuals with substantial control. "This is like a godsend to the bank compliance officers who are always scratching their heads and have no clue," Himmel says. "But not only is it going to be an assist to the banks, it's also going to be an assist to the Department of Justice in pursuing prosecutions." Himmel describes the FinCEN Exchange the voluntary data-collection and sharing system among law enforcement agencies, national security agencies, financial institutions, and FinCEN to combat money laundering, terrorism financing, and organized crime as "a win-win situation. Most countries are going to want to cooperate with us because it's a two-way street." Regarding the proposed award to tipsters of 30 percent of total monetary sanctions, he observes: "There certainly is much more of an incentive to whistle blow — not just to the individuals doing it, but to the lawyer who's going to be doing a quick investigation based upon what he's heard."

> December 8, 2020

Michael B. Himmel speaks to **Bloomberg Law** about the recent settlement between Vitol Inc.'s U.S. unit and the Commodity Futures Trading Commission, calling it an indication that 2021 may bring more stringent federal enforcement of foreign corruption laws. He notes the timing of the Vitol settlement as significant because it is "occurring under the auspices of the Trump administration, where there really has been less aggressiveness as it relates to this type of conduct."

> November 13, 2020

Michael B. Himmel, Chair of the firm's **White Collar Criminal Defense** group, speaks to **Compliance Week** about how a change in White House leadership and a new administration may affect the focus and priorities of the Securities and Exchange Commission. Anticipating a rise in inspections and enforcement activity, he says, "Under the Obama administration, there was an emphasis on investigating publicly traded companies and large Wall Street firms. There was a move away from that under the Trump administration. ... I suspect under [President-elect Joe Biden] there will be a move back toward that."

> August 18, 2020

Michael B. Himmel, Chair of the firm's **White Collar Criminal Defense** practice, speaks to the **FTI Journal** about the importance of conducting internal investigations in a timely manner, even when faced with the challenges of remote work environments in a global pandemic. Himmel says, "When dealing with allegations, an organization's action or inaction can mean the difference between being granted a deferred prosecution agreement from the Department of Justice or not. ... From the civil perspective, how quickly an audit committee responds to an allegation can determine whether a derivative lawsuit has merit."

> July 25, 2019

Michael B. Himmel, Chair of Lowenstein's White Collar Criminal Defense practice, is quoted in **The AM Law Litigation Daily** in an article discussing how the slowdown in white collar enforcement activity and litigation has coincided with diminished hiring demand from law firms. Himmel notes that, despite the number of cases decreasing, Lowenstein's white collar attorneys are "as busy as ever," working on multiple matters with criminal antitrust, FCPA, health care, and securities.

> July 12-19, 2019

Longtime firm client Tower International's (NYSE: TOWR) acquisition by private equity-owned Autokiniton Global Group, in a \$900 million deal expected to close in September or October, is reported in **Crain's Detroit Business**, **The PE Hub Network**, **Automotive News**, **InvestorsHub**, **Law360**, **Smart Business Dealmakers**, **Mergers & Acquisitions**, and the **Global Legal Chronicle**. (Lowenstein deal team: **Peter H. Ehrenberg**, **Andrew E. Graw**, **Lowell A. Citron**, **Marita A. Makinen**, **Jeffrey Blumenfeld**, **Jack Sidorov**, **Jeffrey M. Shapiro**, **Elisia M. Klinka**, **Justin Gindi**, **Kate Basmagian**, **Daniel C. Porco**, **Matthew A. Weston**, **Erica Perlmutter**, **Robert Bee**, **Sabrina Cua**, **Brian A. Silikovitz**, **Kristin V. Taylor**, **Katie R. Glynn**, **Nicholas G. Mehler**, **Doreen M. Edelman**, **Lynda A. Bennett**, **Megan Monson**, **Michael B. Himmel**, and **Norman W. Spindel**) [View Lowenstein's news announcement about this transaction.](#)

> January 31, 2019

Michael B. Himmel is quoted in **Law360** discussing the criminal charges China's Huawei Technologies Co. Ltd. is facing over a supposed trade secrets heist from T-Mobile USA Inc. and an alleged misrepresentation over Huawei's dealings with Iran. Huawei allegedly conducted a fake internal investigation, attempting to shift blame to rogue employees in an effort to avoid litigation and potential prosecution. Himmel states that the alleged actions form a novel basis for an obstruction of justice charge against the company, noting that these actions were "outside of the box" for a company trying to fend off a civil case.

> January 4, 2019

Michael B. Himmel is quoted in **Bloomberg Law** in an article discussing the President's Attorney General nominee William Barr and his plans for the Department of Justice's corporate crime enforcement. Himmel comments on Barr's relationship with Deputy Attorney General Rod Rosenstein, the revised Yates policy, and the new collaboration between DOJ prosecutors and the SEC when investigating corporate crime matters.

> December 12, 2018

Michael B. Himmel is quoted in **The Anti-Corruption Report** in an article discussing Vantage Drilling International's settlement charges with the SEC. Himmel analyzes the case and provides insight as to what Vantage could have done in order to obtain a different outcome. (*subscription required to access article*)

> October 3, 2018

The Anti-Corruption Report quotes **Michael B. Himmel** in an article discussing United Technologies Corporation's bribery-related settlement with the U.S. Securities and Exchange Commission. Himmel comments on how the government views the legitimacy of certain corporate entertainment and other expenses, the importance of corporate self-reporting, factors the SEC weighs in calculating civil penalties, and impediments to the Department of Justice in building a case against a company that does business overseas. (*subscription required to access article*)

> June 5-6, 2018

The **New Jersey Law Journal**, **Law360**, **NJBIZ**, and **Business Beat** (published by the Commerce and Industry Association of New Jersey) highlight **Elie Honig**'s joining Lowenstein as special counsel following his tenure as Director, Department of Law and Public Safety, in the New Jersey Division of Criminal Justice. All four publications quote Lowenstein **Litigation Department** Chair **Christopher Porrino** on the move. The **New Jersey Law Journal**, **Business Beat** and **Law360** quote Honig, and **Business Beat** includes a quote from **Michael B. Himmel**, Chair, **White Collar Criminal Defense**. (*subscription required to access Law360 article*)

> February 8, 2016

Michael Himmel, **Michael T.G. Long**, **Jamie Gottlieb Furia**, and **Joseph Fischetti** are mentioned in **Law360** regarding their successful representation of NJ's Division of Investments on behalf of shareholders of Cliffs Natural Resources against Cliffs and certain of its officers. An \$84 million settlement was recently announced.

> January 25, 2016

Michael Himmel comments in **The Wall Street Journal** about whether HSBC Holdings should be ordered to publicly disclose its compliance monitor's report in the wake of its 2012 money laundering settlement.

> January 14, 2016

Michael Himmel is mentioned in **Law360** in connection with his representation of Heidi Piao in the recent UN bribery case.

- > May 2014
In *Compliance Week*, **Michael Himmel** comments on the rise of derivative and shareholder class action lawsuits brought against companies that have faced FCPA investigations.
- > April 15, 2014
In *Compliance Week*, **Michael Himmel** comments on the increasing number of FCPA investigations in industries that have not traditionally been subject to FCPA enforcement actions.

SPEAKING ENGAGEMENTS

- > Panelist, **44th Annual Judicial Conference of the U.S. District Court for the District of New Jersey**, Association of the Federal Bar of New Jersey, March 18, 2021

EDUCATION

- > St. Louis University School of Law (J.D. 1974), Member, *St. Louis University Law Review*
- > New York University (B.S. 1971)

ADMISSIONS

- > New York
- > New Jersey



Michael T.G. Long

Partner

New York
New Jersey

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Recognized for his tenacity, creativity, and sound judgment in the courtroom, Mike is a trusted advisor who knows when to negotiate a solution and when to fight. In his white collar practice, Mike has extensive experience conducting internal investigations and handling matters involving bribery and public corruption, criminal antitrust and international cartels, criminal tax evasion, and financial and health care fraud. His practice also includes complex commercial litigation, including civil RICO claims, business divorce matters, real estate litigation, and state and federal appeals. He also has extensive experience advising clients on campaign finance law, particularly on "pay to play" political contribution restrictions.

Mike is deeply committed to serving the community. For many years, he has served on the Board of Trustees for Partners for Women and Justice, a nonprofit to which he devotes considerable time providing pro bono legal services to victims of domestic violence and advocating for structural reform. Mike also holds leadership positions on the boards of several youth athletic programs and has enjoyed coaching children for many years in football and lacrosse.

Prior to joining the firm, Mike served as a judicial law clerk to the Hon. James R. Zazzali of the Supreme Court of New Jersey.

EXPERIENCE

- > Represented a generic pharmaceutical company in response to a grand jury subpoena from the DOJ in connection with a long-standing antitrust investigation, resulting in a deferred prosecution agreement.
- > Conducted multiple independent investigations of public companies, pursuant to Section 10A of the Securities and Exchange Act of 1934, into significant adjustments of financial statements, resulting in findings of no illegal activity.
- > Handled numerous FINRA and SEC matters involving claims of stock price manipulation, insider trading, and deceptive business practices.
- > Successfully defended a telecommunications company in a trial involving complex agency claims.
- > Successfully represented a partner in business dispute concerning a large apartment complex; obtained judgment in excess of \$50 million against defendant managing partner for civil racketeering offenses, fraud, breach of fiduciary duty, and breaches of the partnership agreement and partnership law.
- > Represented an executive of a multinational company accused of participating in an international price-fixing conspiracy.
- > Represented a pharmaceutical scientist charged with misbranding pharmaceutical products, including parallel licensing and FDA regulatory matters.
- > Represented a union official accused of engaging in a kickback scheme, laundering money, and other criminal misconduct.
- > Represented a heavy-road contractor in the first challenge to the "pay to play" law to reach the Supreme Court of New Jersey.
- > Represented a physician accused of participating in a conspiracy to improperly bill Medicare and Medicaid.
- > Represented numerous clients in a variety of business divorce matters involving closely held corporations, partnerships, and LLCs, as well as professional firms.

HONORS & AWARDS

- > **New Jersey Super Lawyers (2018-2019)**
Recognized for work in Criminal Defense: White Collar, Business Litigation, and Legislative & Governmental Affairs
- > **Super Lawyers: Rising Star (2010-2017)**
Recognized for White Collar Criminal Defense
- > **Partners for Women and Justice: Partners in Justice Award (2014)**

NEWS & INSIGHTS

Publications

- > May 17, 2017
"**Pay To Play' Compliance: More Important Than Ever,**" *Law360*
Michael T.G. Long
- > May 1, 2017
"**Traps for the Unwary: Pay to Play Risks to Avoid in 2017,**" *Lowenstein Sandler Client Alert*
Michael T.G. Long
- > December 14, 2016
"**U.S. Supreme Court Affirms: Defrauding Bank Customer Is Also Fraud Against Bank,**" *White Collar Criminal Defense Client Alert*
Michael T.G. Long, Michael A. Kaplan
- > May 31, 2016
"**Supreme Court to Settle Bank-Fraud Circuit Split,**" *White Collar Criminal Defense Client Alert*
Michael T.G. Long, Peter Slocum
- > May 31, 2016
"**Supreme Court to Settle Bank-Fraud Circuit Split,**" *White Collar Criminal Defense Client Alert*®
Michael T.G. Long

In the Media

- > March 9, 2020
Lowenstein's representation of **Computershare Limited** in entering into a binding agreement to acquire the business and assets of Corporate Creations Enterprises LLC is noted in the **Global Legal Chronicle**. The Lowenstein team included **Jonathan C. Wishnia**, Eric Swartz, **Bianka V. Barraza**, Madeline Roe, **Brian A. Silikovitz**, **Kristin V. Taylor**, **Julie Levinson Werner**, **Megan Monson**, **Taryn E. Cannataro**, **Stuart S. Yusem**, **Bryan Sterba**, **Jenna-Marie Tracy**, **Matthew P. Hintz**, **Matthew M. Oliver**, **Michael T. G. Long**, Michael C. Townsend, and **Eric Jesse**.
- > October 7, 2019
Michael T.G. Long is quoted in *Law360*'s article on the litigation brought by shareholders against Panera Bread challenging the terms of its \$7.5 billion sale to JAB Holding Co. Long questions the relationships between Panera's financial advisor and JAB. "Morgan Stanley had numerous conflicts, numerous mixed motivations, numerous incentives to do things that were not consistent with Panera's best interests," he says. (*subscription required to access article*)
- > April 6, 2017
In *Law360*, **Michael T.G. Long** discusses the Monmouth County Superior Court's entry of a preliminary injunction allowing Ocean Grove, NJ-based pro bono client QSpot LGBT Community Center to maintain its lease while pursuing claims that its landlord acted out of anti-LGBT bias in seeking to evict the organization.
- > July 28, 2016
Michael T.G. Long comments in *Institutional Investor Magazine* on political contributions from investors in the hedge fund industry.
- > February 8, 2016
Michael Himmel, **Michael T.G. Long**, **Jamie Gottlieb Furia**, and **Joseph Fischetti** are mentioned in *Law360* regarding their successful representation of NJ's Division of Investments on behalf of shareholders of Cliffs Natural Resources against Cliffs and certain of its officers. An \$84 million settlement was recently announced.

SPEAKING ENGAGEMENTS

- > Panelist, **2018 NJSBA Town Hall Program: What Would You Do? A Real World Perspective on How to Advocate for Your Clients in Trenton**, New Jersey State Bar Association, Trenton, NJ, June 18, 2018

EDUCATION

- > Seton Hall University School of Law (J.D. 2004), summa cum laude, Order of the Coif, Senior Articles Editor, *Seton Hall Law Review*
- > Boston College (B.A. 2000)

ADMISSIONS

- > New York
- > New Jersey



Amy C. Schwind

Counsel

New Jersey

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Amy counsels public and private companies on compliance with federal and state employment laws. She works closely with the C-suite, human resources professionals, and general counsel across a range of industries, including financial services firms, hedge funds, and tech startups.

Amy's practice focuses on drafting employment agreements and documentation such as restrictive covenant agreements; offer letters; separation, release, and termination agreements; and employee handbooks. She guides employers in the creation and implementation of effective and compliant policies on such issues as leaves of absence, reasonable accommodation, and anti-harassment; and she develops employee training on discrimination and harassment prevention. Recently, Amy has been advising corporate and nonprofit employers on COVID-19-related matters, including return to work, leave time, workplace safety, and vaccination guidelines.

She also litigates employment matters, including those involving claims of discrimination, harassment, retaliation, wrongful termination, and wage and hour violations.

An active member of the firm's pro bono program, Amy advises nonprofit organizations on employment policies and HR-related issues. She has advocated for clients in trial and appellate proceedings.

NEWS & INSIGHTS

Publications

- > November 5, 2021
"Get Ready: Mandatory Vaccination Is Here for Large Employers," *Employment Counseling & Litigation Client Alert*
 Julie Levinson Werner, Amy C. Schwind, Julie A. Minicozzi
- > June 9, 2021
"New York State HERO Act: Likely Amendment to Infectious Disease Safety Standards in the Workplace," *Employment Counseling & Litigation Client Alert*
 Julie Levinson Werner, Amy C. Schwind
- > September 17, 2020
"New York Mandates Statewide Sick Leave," *Employment Counseling & Litigation Client Alert*
 Julie Levinson Werner, Amy C. Schwind
- > August 21, 2020
"FAQs on Pandemic-Related Issues for Small Businesses and Nonprofits," *Lowenstein Sandler LLP*
 Catherine Weiss, Christina Holder, Lauren M. Hollender, Amy C. Schwind,
- > January 22, 2020
"Significant Amendments Enacted to New Jersey's WARN-related Act," *Lowenstein Sandler Client Alert*
 Julie Levinson Werner, Jeffrey Cohen, Amy C. Schwind
- > December 19, 2019
"A New Year and a New Rule: Overtime and Other Wage and Hour Changes to Take Effect in 2020," *Employment Counseling & Litigation Client Alert*
 Amy C. Schwind
- > November 21, 2019
"New Jersey Following California's Lead? Changes for Independent Contractor Classification Coast to Coast," *Employment Counseling & Litigation Client Alert*
 Julie Levinson Werner, Amy C. Schwind
- > August 23, 2018
"New Anti-Harassment Posting and Distribution Requirements for NYC Employers," *Employment Counseling & Litigation Client Alert*
 Amy Komoroski Wiwi, Amy C. Schwind

- > May 7, 2018
"New Jersey at the Forefront: The State Enacts Broad Pay Equity Law," *Employment Counseling & Litigation Client Alert*
Amy Komoroski Wiwi, Amy C. Schwind
- > January 8, 2016
"State Courts May Become Sole No-Injury Class Action Forum," *Law360*
Gavin J. Rooney, Amy C. Schwind, Joseph A. Fischetti
- > May 27, 2015
"SEC Restricts Ability of Companies to Silence Employees Interviewed in Internal Investigations," *Corporate Investigations & Integrity Client Alert*
Matthew Boxer, Amy C. Schwind

SPEAKING ENGAGEMENTS

- > Speaker, **Diversity, Equity, and Inclusion: Incorporating Survivors of Human Trafficking in the Workplace**, Lowenstein Sandler, Webinar, April 23, 2021
- > Speaker, **Current Trends in Employment Law**, Lowenstein Sandler, New York, NY, March 26, 2019
- > Speaker, **Top 2019 Employment Law Topics**, ADP, Parsippany, NJ, February 21, 2019

EDUCATION

- > Seton Hall University School of Law (J.D. 2014), magna cum laude
- > Boston University (B.S. 2009)

ADMISSIONS

- > New York
- > New Jersey



C. Patrick Thomas

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Patrick represents clients in state and federal court on a variety of litigation matters, including white collar criminal defense cases, government investigations, and bankruptcy disputes. He also participates in settlement negotiations and mediations in complex commercial litigation cases.

He served for one year as a judicial law clerk for the U.S. District Court in the District of New Jersey. Prior to this public service, he was an associate in the firm's Litigation Department.

Patrick has interned for several judges, including the Hon. Jon E. DeGuilio of the U.S. District Court for the Northern District of Indiana and the Hon. Denis R. Hurley of the U.S. District Court for the Eastern District of New York, as well as in the Suffolk County District Attorney's Office.

NEWS & INSIGHTS

Publications

> May 28, 2020

"A Bankruptcy Probe Primer For White Collar Attorneys," *Law360*

Rachel Maimin, , Michael A. Kaplan, C. Patrick Thomas

> April 8, 2020

"Vigilance Now Can Help Avoid Scrutiny Later: Fiduciary Duties in the Midst of a Global Pandemic," *Litigation and Bankruptcy Client Alert*

Jeffrey Cohen, Matthew Boxer, Michael A. Kaplan, C. Patrick Thomas

EDUCATION

> University of Notre Dame Law School (J.D. 2018), cum laude; Dean's Honor Roll; managing editor, *Notre Dame Journal of Legislation*

> Gettysburg College (B.A. 2015)

ADMISSIONS

> New York

> New Jersey



Andrew Gimigliano

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Andrew represents clients in a wide range of litigation matters. His practice focuses on complex commercial litigation, white collar and criminal defense, conducting internal investigations, and defending civil rights claims. He has represented clients in both federal and state courts in all phases of litigation, including drafting pleadings, conducting discovery, motion practice, and trial preparation. Andrew also has worked on appellate matters before the Supreme Court of the United States, the Third Circuit Court of Appeals, the Supreme Court of New Jersey, and the Appellate Divisions of New Jersey and New York.

Andrew has worked on pro bono matters on behalf of the Association of Criminal Defense Lawyers of New Jersey, the American Civil Liberties Union of New Jersey, and the Rutgers Constitutional Rights Clinic.

After graduating from law school, Andrew served as a law clerk to the Honorable Jaynee LaVecchia, Supreme Court of New Jersey. While attending law school, he served as a judicial intern to the Honorable Deanne Wilson, Superior Court – Chancery Division.

EDUCATION

- > Rutgers Law School (J.D. 2012) magna cum laude
- > University of Delaware (B.A. 1997)

ADMISSIONS

- > New York
- > New Jersey



Eric R. Suggs

Counsel

New Jersey

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Eric represents a variety of corporate clients in white collar criminal defense matters and complex commercial litigation in both federal and state court.

A focused and passionate advocate, Eric feels a sense of personal achievement when aggressively defending his clients' rights both in and out of court and realizing the right result on their behalf. Clients and colleagues alike value Eric's work ethic and ability to anticipate problems and obstacles before they can become obstructive roadblocks to progress.

Since 2016, Eric has been an assistant adjunct professor at his alma mater, where he teaches New Jersey Practice, a class focused on the New Jersey Court Rules. Before joining the firm, Eric worked as a law clerk to the Hon. John M. Vazquez of the U.S. District Court for the District of New Jersey and the Hon. Barry T. Albin of the Supreme Court of New Jersey. As a result of his clerkship experiences, Eric is valued for his honed research and writing skills as well as for his firsthand understanding of judges' expectations and how to conserve their time and resources in court.

Eric also maintains a deep commitment to the firm's pro bono program. He represents victims of domestic violence and tenants facing unlawful eviction. He has achieved significant results in obtaining final restraining orders for domestic abuse victims, thereby ensuring their safety. In the landlord-tenant context, he halted an unlawful eviction and secured a favorable settlement for his client due to the landlord's violation of the warranty of habitability.

While in law school, Eric served as an executive board member on the *Seton Hall Law Review* and participated in multiple national competitions as a member of the Interscholastic Moot Court Board. He also worked as an associate at a New Jersey law firm, where he frequently appeared in court on matters related to insurance defense.

HONORS & AWARDS

> The Best Lawyers in America (2021)

Recognized as "One to Watch" in the Commercial Litigation section

NEWS & INSIGHTS

Publications

> November 5, 2018

"Department of Justice Announces New Corporate Monitor Guidance," *White Collar Criminal Defense Client Alert*

Scott B. McBride, Eric R. Suggs

In the Media

> June 17, 2020

Lowenstein's role in securing recovery for the benefit of the Official Committee of Unsecured Creditors (Committee) in the confirmed plan of reorganization in the Chapter 11 bankruptcy cases of medical practice owner **Hygea Holdings Corp.** (Hygea) and its affiliates is highlighted in the **Global Legal Chronicle**. The Lowenstein team included **Joseph J. DiPasquale, Robert M. Hirsh, Rachel Maimin, Eric R. Suggs, John P. Schneider, Phillip Khezri, Colleen M. Maker, and Jeremy D. Merkin. View Lowenstein's news announcement about this outcome.**

> April 29, 2019

Reuters and **Law360** highlight Lowenstein Sandler's filing of a class action lawsuit in the U.S. District Court for the District of New Jersey against various federal agencies and their leaders on behalf of young immigrants wrongfully disqualified from receiving Special Immigrant Juvenile Status (SIJS). According to the suit, the plaintiffs' SIJS applications were unfairly denied because they were between 18 and 21 years old when they obtained child welfare findings from a state juvenile court, a necessary predicate to applying for SIJS. At least 100 other immigrants in New Jersey are facing similar denials. (The Lowenstein team included: **Catherine Weiss, Natalie J. Kraner, Craig Dashiell, Eric R. Suggs, Tracy F. Buffer, and Claudia Lorenzo.**) (subscription required to view certain content) **View Lowenstein's news announcement about this case.**

EDUCATION

- > Seton Hall University School of Law (J.D. 2014), magna cum laude, Order of the Coif
- > Rutgers, The State University of New Jersey (B.A. 2011), political science, cum laude

ADMISSIONS

- > New York
- > New Jersey



CORE VALUES

OUR CORE VALUES MAKE US DIFFERENT. WHAT MAKES US DIFFERENT MAKES US SUCCESSFUL.

We are committed deeply to **client service**.

We honor the **trust** others have placed in us.

We are **entrepreneurial**.

We **anticipate** rather than merely respond.

We are **passionate** about everything we do.

We encourage **creativity** to flourish.

We are **generous** with our time and our talent.

We work to **connect** clients and communities.